

LAW OFFICES  
**KOTEEN & NAFTALIN**  
1150 CONNECTICUT AVENUE  
WASHINGTON, D.C. 20036

BERNARD KOTEEN  
ALAN Y. NAFTALIN  
RAINER K. KRAUS  
ARTHUR B. GOODKIND  
GEORGE Y. WHEELER  
HERBERT D. MILLER, JR.  
MARGOT SMILEY HUMPHREY  
PETER M. CONNOLLY  
M. ANNE SWANSON  
CHARLES R. NAFTALIN  
GREGORY C. STAPLE  
MORTON J. POSNER

TELEPHONE  
(202) 467-5700  
TELECOPY  
(202) 467-5915

February 17, 1995

William Caton, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: WT Docket No. 94-148

Dear Mr. Caton:

Herewith transmitted, on behalf of Telephone and Data Systems, Inc. ("TDS"), are an original and four copies of TDS's Comments in the above-referenced proceeding.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,

  
Peter M. Connolly

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WT Docket NO. 84-148

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In the Matter of )  
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Reorganization and Revision )  
of Parts 1, 2, 21, and 94 of )  
the Rules to Establish a New )  
Part 101 Governing Terrestrial )  
Fixed Radio Services )  
)

COMMENTS

Telephone and Data Systems, Inc. ("TDS") hereby files brief comments on the Notice of Proposed Rulemaking ("NPRM") in the above-referenced proceeding. TDS, through its telephone subsidiary, TDS Telecom, its local exchange company subsidiaries and through its cellular subsidiary, United States Cellular Corporation ("USCC"), operates hundreds of common carrier microwave facilities. TDS thus has a strong interest in the rules under which such facilities are regulated.

TDS supports the consolidation of the Part 21 and Part 94 microwave rules into new Part 101 and agrees that the consolidation and updating of the rules should lead to a streamlined licensing process.

TDS, however, has certain concerns regarding the information the FCC should continue to collect as part of Form 494, the FCC's application for new and modified facilities and regarding certain other information the FCC now collects. TDS believes that it is

in the public interest for the FCC to continue to collect some of the information it now collects and proposes not to collect in the NPRM.

We agree that the FCC should no longer require the financial certification now required in Form 494 under Section 21.13(a)(2) of the Rules, should repeal the rule that applicants should submit a copy of their franchise agreements and should eliminate the control and maintenance procedure exhibits now required under Section 22.15. Applicants who cannot construct microwave facilities do not generally apply to build them and the other matters are properly the responsibility of applicants. The FCC cannot monitor them in any meaningful way.

However, TDS would maintain that applicants should continue to be required to submit a "public interest" exhibit with an application or set of applications which would briefly explain what the applicant was proposing to do, and would describe the proposed locations of stations and the frequencies proposed to be used. Any lawful microwave service can be presumed to be in the "public interest" but fellow licensees and other interested members of the public should be able to review an application and determine what type of service an applicant is proposing to provide and readily understand where it is to be provided.

Similarly, we believe the FCC should retain existing Section 22.15(e)(i) of the Rules and Item 18 of Form 494, which requires the furnishing of the address and telephone number of the person or maintenance center responsible for a station's technical

operations. Though other licensees may usually know whom to call if a fellow microwave operator is causing them interference or other technical difficulty, it is certainly desirable to have that information on file at the Commission as well.

Also, we believe that licensees should still be required to post their licenses. It is desirable that licensees themselves understand the technical parameters under which they must operate and the posting requirement assists in achieving that understanding. Also, if interference complaints arise among neighboring licensees a printed license is an authoritative source concerning permissible operations which can be consulted to resolve disputes. Internal data bases cannot serve the same function.

TDS also wishes to comment on one more proposed relaxation of the FCC's requirements, namely the one referred to at Paragraph 12 of the NPRM, which now requires that transferees/assignees of licenses (a) consummate assignments and transfers within 45 days of the application grant and then (b) immediately notify the FCC. The Commission proposes to give parties 360 days to consummate assignments and transfers and only require them to notify the FCC if the transfer or assignment is not consummated.

TDS certainly agrees that the existing 45 day period to consummate is usually too short to complete the various activities necessary to conclude a corporate closing necessitating extension of time requests. However, 360 days is too long a time to leave interested parties in the dark as to whether a transaction has been consummated. We would support a 180 day period to

close and leave in place the requirement that the FCC be notified when the consummation takes place. Notification is not a major burden to licensees and interested parties have legitimate reasons for wanting to know who now controls a licensee.

Conclusion

Though the FCC's effort to reduce unnecessary information gathering is certainly laudable, TDS would submit that the FCC retain the limited information gathering requirements discussed above.

Respectfully submitted,

TELEPHONE AND DATA SYSTEMS, INC.

By: 

Peter M. Connolly

KOTEEN & NAFTALIN  
1150 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20036  
(202) 467-5700

February 17, 1995

Its Attorneys